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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,070	06/25/2001	Lauge S. Sorensen	219.40065X00	6580
23838	7590	05/18/2006	EXAMINER	
KENYON & KENYON LLP 1500 K STREET N.W. SUITE 700 WASHINGTON, DC 20005			NGUYEN, DUSTIN	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/887,070	<b>Applicant(s)</b> SORENSEN, LAUGE S.	
	<b>Examiner</b> Dustin Nguyen	<b>Art Unit</b> 2154	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3,4,6-9,11-16,18 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3,4,6-9,11-16,18 and 21-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 3, 4, 6-9, 11-16, 18, 20-23 are presented for consideration.

#### *Continued Examination Under 37 CFR 1.114*

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/12/2006 has been entered.

#### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 3, 4, 6-9, 11-16, 18, 20-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- A. The following terms lack antecedent basis:

- |     |                    |   |                 |
|-----|--------------------|---|-----------------|
| I.  | the content        | - | claims 4, 21-23 |
| II. | the network device | - | claim 3.        |

*Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 21, 3, 4, 6, 7, 22, 11-16, 18, 20 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by MacFarlane et al. [ US Patent Application No 2001/0042081 ].

7. As per claim 21, MacFarlane discloses the invention substantially as claimed including a method for controlling content of a Hyper Text Transfer Protocol (HTTP) header [ i.e. HTTP servers may use the property name specified by the HTTP-EQUIV attribute to create an style header in the HTTP response ] [ Abstract; and paragraph 0086 ], comprising:

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creating HTML or XML content by a developer [ i.e. a document authoring process, an HTML document that has been created ] [ 23, Figure 2; paragraphs 0051 and 0100 ];

inserting information into said content by the developer [ i.e. create a pared document ] [ Figure 4; Abstract; paragraphs 0019, 0057 and 0058 ], said inserted information having one or more associated identifiers [ i.e. meta tag ] [ paragraph 0029 ];

searching the content for information with the identifiers [ i.e. get markup or data until end of document ] [ Figure 5; paragraphs 0059 and 0099 ];

generating a HTTP header for the content [ i.e. result in the HTTP header ] [ paragraph 0086-0090 ], the generated HTTP header including the information located in the content [ i.e. author, expiry date, a list of keywords ] [ paragraphs 0078-0085 ]; said information in said HTTP header to be used by an Internet cache to determine how long to store the HTML or XML content associated with the HTTP header [ i.e. to determine when to fetch a fresh copy of the associated document ] [ paragraphs 0087-0091 ].

8. As per claim 3, MacFarlane discloses the network device is a web server [ Figure 3; and paragraph 0052 ].

9. As per claim 4, MacFarlane discloses the content comprises of at least one web page [ paragraph 0011 ].

10. As per claim 6, MacFarlane discloses wherein the identifiers comprise at least one of a Meta tag, a label, a tag and a command [ paragraphs 0077-0085 ].

11. As per claim 7, MacFarlane discloses performing the searching and generating at a network node [ 230, Figure 7; and paragraph 0103 ], the network node being at a different location than where the creating and inserting are performed [ 190, Figure 7; and paragraph 0102 ].

12. As per claim 22, it is apparatus claimed of claim 21, it is rejected for similar reasons as stated above in claim 1.

13. As per claim 11, it is rejected for similar reasons as stated above in claim 3.

14. As per claim 12, MacFarlane discloses wherein the information comprises Internet cache control information [ i.e. expiry date ] [ paragraphs 0084-0091 ].

15. As per claim 13, it is rejected for similar reasons as stated above in claim 6.

16. As per claim 14, MacFarlane discloses wherein the network comprises the Internet [ paragraph 0049 ].

17. As per claim 15, MacFarlane discloses wherein the at least one network node comprises an Internet cache [ i.e. proxy ] [ 230, Figure 7 ].

18. As per claim 16, it is rejected for similar reasons as stated above in claim 4.

19. As per claim 23, it is program product claimed of claim 21, it is rejected for similar reasons as stated above in claim 1.

20. As per claim 18, it is rejected for similar reasons as stated above in claim 4.

21. As per claim 20, it is rejected for similar reasons as stated above in claim 6.

***Claim Rejections - 35 USC § 103***

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacFarlane et al. [ US Patent Application No 2001/0042081 ], in view of Masters [ US Patent No 6,374,300 ].

24. As per claim 8, MacFarlane does not specifically disclose wherein the network node comprises a router. Masters discloses wherein the network node comprises a router [ 114, Figure 1A; Abstract; and col 3, lines 61-65 ]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of MacFarlane and Masters because Masters'

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teaching of router would allow nodes to communicate with multiple destinations in an more organized manner.

25. As per claim 9, Masters discloses performing the searching and generating by a network appliance at the router [ col 5, lines 17-21 ].

26. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex schedule.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Follansbee John can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dustin Nguyen  
Examiner  
Art Unit 2154



JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
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